



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

AR \$ ITOH

In re the Application of: **Akio ITOH**

Group Art Unit: **2815**

Serial No.: **09/594,091**

Examiner: **Mathew E. Warren**

Filed: **June 15, 2000**

Confirmation No.: **8583**

For: **SEMICONDUCTOR MEMORY DEVICE HAVING PLANARIZED  
UPPER SURFACE AND A SION BARRIER**

Attorney Docket Number: **000761**

Customer Number: **38834**

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

September 2, 2004

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated **June 2, 2004** of the Primary Examiner.

The item(s) checked below are appropriate:

1. ☐ A petition for a - month extension of time to respond to the Final Rejection is filed herewith.
2. ☐ A timely response to the Final Rejection has been filed, as provided in 37 C.F.R. 1.113.
3. ☒ Fee -\$330.00 or ☐ Small Entity -\$165.00

- ☒ Enclosed  
☐ Not required (fee paid in prior appeal)  
☐ Charge to Deposit Account No. 50-2866

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Notice of Appeal  
Serial No. 09/594,091  
Attorney Docket No. 000761

In the event this Notice of Appeal is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this Notice.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in dark ink, appearing to read 'Kenneth H. Salen', with a long horizontal flourish extending to the right.

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KHS/lde